

Alleged torture in custody of Border Security Force

Case IND 230108

Alleged torture/ Risk of impunity

The International Secretariat of the World Organisation Against Torture (OMCT) requests your **URGENT** intervention in the following situation in **India**.

Brief description of the situation

The International Secretariat of OMCT has been informed by a reliable source and by Antenna International, a member of OMCT SOS-Torture network, of the alleged torture in custody of Mr. **Ajbar Ali Sheikh**, 30 years old resident of Charkakmari, in the district of Murshidabad, West Bengal, by officers of the Border Security Force (BSF).

According to the information received, on 30 October 2007 at around 7:30 a.m., Mr. Ajbar Ali Sheikh, while visiting his agricultural land, was reportedly suspected by three constables of the 90 Battalion of the BSF and District Intelligence Borough of 10 point camp of being a cattle-smuggler. The BSF constables reportedly took him to the 10 point camp, where they allegedly tied him tightly with ropes, jumped on him when he was laying on the ground and severely beat him with boots and bamboo sticks for a long time. Mr. Ajbar Ali Sheikh reportedly eventually lost his sense and also started urinating blood. He was then washed with hot water and when he recovered consciousness, he was allegedly tortured again.

Following this, Mr. Ajbar Ali Sheikh was reportedly taken to the BSF Singkpara Headquarters, where he was allegedly threatened not to reveal what happened to the police or the hospital staff. Later, the BSF officers reportedly wanted to hospitalise him at the alleged government-run Sadhikan's Dearh Block Primary Hospital in order to avoid any questioning about the acts of torture. However, the hospital authority refused to admit Mr. Ajbar Ali Sheikh. The personal of the BSF then took him to the Jalangi Customs Office and later to the Jalangi Police Station. Though the signs of torture were visible, a police officer reportedly asked him, in presence of the officers of the BSF, if he had been tortured or not, but Mr. Ajbar Ali Sheikh was too afraid to respond. The police made him sign up a paper, on which it was written that he had not been tortured by the BSF officers, and then locked-him up for the night. He reportedly struggled with pain. On 31 October 2007, at around 8:45 a.m., Mr. Ajbar Ali Sheikh was brought to the Sadhikan's Dearh Hospital by the police.

On 3 and 4 November 2007, a fact-finding team conducted by human rights NGO Masum visited Mr. Ajbar Ali Sheikh and asked him questions about the acts of torture he suffered. The team found injuries

on his body, his forehead, feet and other parts.

On 6 November 2007, Mr. Ajbar Ali Seikh was presented before the Domkal Sub Divisional Executive Magistrate (SDEM) Court and was later released. Mr. Ajbar Ali Seikh's wife, Mrs. Lilufa Bibi, reportedly filed a complaint before the Commandant 90 Battalion BSF and the Officer in charge of Jalangi Police Station on 3 November 2007 however no action has been reportedly taken yet.

The International Secretariat of OMCT expresses its deep concern over the reported acts of torture against Mr. Ajbar Ali Seikh while in custody of the BSF. OMCT is highly concerned that, although India has signed onto the UN Convention against Torture, it has failed to ratify it yet. OMCT recalls to India that according to article 7 of the International Covenant on Civil and Political Rights (ICCPR) to which it is a State party, *no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*. OMCT calls on the authorities to order a thorough and impartial investigation into these events in order to identify those responsible, bring them to trial and apply the penal and/or administrative sanctions as provided by law. Further, as an elected member of the United Nations Human Rights Council, India should particularly guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

Action requested

Please write to the authorities in India urging them to:

0. Guarantee, in all circumstances, the physical and psychological integrity of Mr. Ajbar Ali Seikh and that standard free medical treatment is provided to him;
0. Order a thorough and impartial investigation into the allegations of torture against Mr. Ajbar Ali Seikh, in order to identify all those responsible, bring them to justice and apply to them the civil, penal and/or administrative sanctions provided by law;
0. Guarantee that adequate compensation is awarded to the victim;
0. Ensure respect for human rights and fundamental freedoms throughout the country in accordance with national laws and international human rights standard.

Addresses

- Shri Manmohan Singh, **Prime Minister of India**, Prime Minister's Office, Room number 152, South Block, New Delhi, Fax: + 91 11 2301 6857
- Shri Shivraj Patil, Union **Minister of Home Affairs**, Ministry of Home Affairs, 104-107 North Block, New Delhi 110 001 India, Fax: +91 11 2309 2979.
- Justice K. G. Balkrishnan, Chief Justice of India, **Supreme Court**, Tilak Marg, New Delhi -1, Fax: +91 11 233 83792, Email: supremecourt@nic.in

- **Justice Rajendra Babu, Chairperson**, National Human Rights Commission of India, Faridkot House, Copernicus Marg, New Delhi 110 001, Tel: +91 11 230 74448, Fax: +91 11 2334 0016, Email: chairnhrc@nic.in
- Ashish Kumar Mitra, Director General, BSF, Block No. 10, CGO Complex, Lodhi Road, New Delhi 110003, Tel.: + 91 11 24362181, +91 11 24360016
- Justice Shyamal Kumar Sen, Chairman, **West Bengal Human Rights Commission, Bhabani Bhaban, Alipur, Kolkata - 27. Phone +91-33-24797727, 24791629, Fax - 24799633, Email: wbhrc@cal3.vsnl.net.in**
- Ambassador Extraordinary and Plenipotentiary Permanent Representative to the United Nations (Geneva), Rue du Valais 9, 1202 Geneva, Tel: +41 22 906 86 86, Fax: +41 22 906 86 96, Email: mission.india@ties.itu.int
- Ambassador, Embassy of India in Brussels, 217 Chaussée de Vleurgat, 1050 Brussels, Belgium, Fax: +32 (0)2 6489638 or +32 (0)2 6451869

Please also write to the embassies of India in your respective country.

Geneva, 23 January 2007

Kindly inform us of any action undertaken quoting the code of this appeal in your reply

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.
Contact : omct@omct.org